APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,322	08/23/2001	Liang He	884.487US1	2637

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ART UNIT	PAPER NUMBER
2168	

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _23 September 2005_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-24_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-24_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

Applicant's arguments filed on 9/23/05. Claims 1, 3, 12 and 22 are amended.

Claims 1-24 are pending for examinations.

The rejection under 35 U.S.C 101 non-statutory to claims 1-24 has been

removed with respect to Applicants amended claims 1, 3, 12 and 22.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 8, 10-13, 17-24 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Wise et al (US Patent 5,884,262).

As per claim 1, Wise discloses

'a service sniffer to direct inputs to a plurality of portals based on the type

of data received from a client device' as a call manager 210 receives voice

commands or keypad input from a user's telephone 10 and sends it to a translator 220 if

the inputted data is a voice command, or sends it to a audio file player 270 if the

inputted data is a keypad type (Fig. 2, col. 6, lines 20-23, col. 6, lines 34-50, col. 9, lines

40-55). In the other word, the call manager 210 is equivalent to the instant claimed

limitation "**a service sniffer**", translator 220 or the audio file player 270 are equivalent to

the claimed invention limitation "**a plurality of portals**", a voice command or keypad is

equivalent to the claimed invention limitation "**the type of data**", a user's telephone 10

is equivalent to the claimed invention limitation "**a client device**";

'**a command interpreter engine coupled to one or more of the plurality of

portals to detect keywords in speech**' as a translator 220 connects to the call

manager 210 for translating the user's voice command to a subject word or phrase,

such as "Washington D.C. area weather" (col. 6, lines 18-25, 31-35) '**when the data

received includes a compressed speech input**' as audio information from the user's

telephone 10 is formatted and placed in packets by speech IP or compressed audio

segment (see col. 7, lines 46-47, col. 9, lines 47-52);

'**a search and analysis engine to search a network for contents based on

the keywords** as the subject word or phrase (i.e., "Washington D.C. area weather") is

sent to a Searcher 240, (i.e., search engine Web Crawler^{TM} or Lycos^{TM}) to search for

related files on a target computer network (i.e., Internet) relating the subject word or

phrase (col. 6, lines 40-46); **and**

'**a transformation engine to convert a data format used in the contents

retrieved from the network into a format supported by the client device**' as a

search is conducted and the Search 240 finds URLs of Web Pages relating to the

subject or phrase, "Washington D.C. area weather", the file addresses from the

searcher are transformed into an audio menu so that the user may select a single

addresses (col. 6, lines 46-62).

As per claim 2, Wise teaches **wherein the transformation engine is to convert**

an image from one format into another format as an image file has an HTML, which

contains text, the system read the text file and use a text-to-speech engine to convert

the document to audio information (col. 2, lines 15-18, col. 8, lines 14-18).

As per claim 3, Wise teaches **wherein the service sniffer is adapted to**

distinguish between traditional telephone service, DSR (distributed speech

recognition) services, and IP (Internet protocol) services as the call manager 210

has functionality that it can detect/recognize, and send a client request to an appropriate

destination based on the type of data received from the user 10, as detailed explanation

in claim 1 above. As shown, the call manager can send the inputted data to the

translator 210 is equivalent to the claimed limitation "**DSR (distributed speech**

recognition) services," or the call manager can send the inputted data to the audio file

player 270 is equivalent to the claimed limitation "**traditional telephone service,**" (Fig.

2) or the call manager could reside elsewhere in the system, such as in a server IP that

may be used to establish a communication link between an IP and other machines in

the Advanced Intelligent Network (AIN) services (col. 8, lines 29-43) is equivalent to the

claimed limitation "**IP (Internet protocol) services**".

As per claim 4, Wise teaches **wherein the service sniffer is to direct**

telephone service to a voice portal as the call manager sends the data inputted by

the user 10 to the audio file player 270 when the data type is a keypad type (Fig. 2, #

270, col. 5, lines 45-55).

As per claim 5, Wise teaches **wherein the service sniffer is to direct DSR**

(distributed speech recognition) services to a DSR portal as the call manager

sends the data inputted by the user 10 to the translator 210 when the data type is a

voice command type (Fig. 2, # 210, col. 6, lines 20-28).

As per claim 8, Wise teaches **a text-to-speech engine to translate text in the**

contents into audio speech as an image file has an HTML, which contains text, the

system read the text file and use a text-to-speech engine to convert the document to

audio information (col. 2, lines 15-18, col. 8, lines 14-18).

As per claim 9, Wise teaches **a speech coder to compress audio to**

accommodate bandwidth of a transmission medium between the client device

and the gateway as audio information is formatted and placed in packets by a speech

IP for transmission across network (col. 7, lines 46-47, col. 9, lines 47-49).

As per claim 10, Wise teaches **a publish rendering engine to convert a**

display page into multiple pages as converting document format HTML into view the

next page of the document, view the previous page of the document of World Wide Web

page (col. 4, lines 48-49, col. 1, lines 9-11).

As per claim 11, Wise teaches **a publish rendering engine to convert a**

display line into multiple lines as converting document format HTML, go back two

lines in the document, go forward two lines in the document (col. 4, lines 50-51 col. 1,

lines 9-11).

As per claim 12, Wise discloses a method, comprising:

'**receiving a user input including data from a client device**' as a call manager

210 receives voice commands or keypad input from a user's telephone 10 (Fig. 2, col.

5, lines 45-49, col. 6, lines 14-15);

'**directing the input to one or more of a plurality of portals based on the**

type of data received in the user input' as a call manager 210 receives voice

commands or keypad input from a user's telephone 10 and sends it to a translator 220 if

the inputted data is a voice command, or sends it to a audio file player 270 if the

inputted data is a keypad type (Fig. 2, col. 6, lines 20-23, col. 6, lines 34-50, col. 9, lines

40-55);

'**extracting a feature from the data included in the user input'** as a translator

220 translates the user's voice command to a subject word or phrase (i.e., "Washington

D.C. area weather" (col. 6, lines 24-25, 31-35);

'**translating the feature into a request'** as the subject word or phrase (i.e.,

"Washington D.C. area weather") is sent to a Searcher 240, (i.e., search engine Web

Crawler™ or Lycos™) to search for related files on a target computer network (i.e.,

Internet) relating the subject word or phrase (col. 6, lines 40-46);

'**retrieving contents from a network based on the request and adapting the**

contents to a client' as a search is conducted and the Search 240 finds URLs of Web

Pages relating to the subject or phrase, "Washington D.C. area weather", the file

addresses from the searcher are transformed into an audio menu so that the user may

select a single addresses (col. 6, lines 46-62).

As per claim 13, Wise teaches **wherein the adapting further comprises converting text to audio speech** as an image file has an HTML, which contains text, the system read the text file and use a text-to-speech engine to convert the document to audio information (col. 2, lines 15-18, col. 8, lines 14-18).

As per claim 17, Wise teaches **converting a display page into multiple pages** as converting document format HTML, view the next page of the document, view the previous page of the document of World Wide Web page (col. 4, lines 48-49, col. 1, lines 9-11).

As per claim 18, Wise teaches **converting a display line into multiple lines** as converting document format HTML, go back two lines in the document, go forward two lines in the document (col. 4, lines 50-51, col. 1, lines 9-11).

As per claim 19, Wise teaches **wherein the user input comprises an address of the contents** as go the document given as a URL (col. 4, line 64).

As per claim 20, Wise teaches **wherein the address is a uniform resource locator** as URL(col. 4, line 64).

As per claim 21, Wise teaches wherein **the feature further comprises at least one keyword in the user input** as the subject word or phrase is "Washington D.C. area weather" (col. 6, lines 24-25, 31-35)

As per claim 22, Wise discloses:

'receiving a user input including data from a client device' as a call manager 210 receives voice commands or keypad input from a user's telephone 10 (Fig. 2, col. 5, lines 45-49, col. 6, lines 14-15);

'**directing the input to one or more of a plurality of portals based on the**

type of data received in the user input' as a call manager 210 receives voice

commands or keypad input from a user's telephone 10 and sends it to a translator 220 if

the inputted data is a voice command, or sends it to a audio file player 270 if the

inputted data is a keypad type (Fig. 2, col. 6, lines 20-23, col. 6, lines 34-50, col. 9, lines

40-55);

'**extracting a feature from the data included in the user input'** as a translator

220 translates the user's voice command to a subject word or phrase (i.e., "Washington

D.C. area weather" (col. 6, lines 24-25, 31-35);

'**translating the feature into a request'** as the subject word or phrase (i.e.,

"Washington D.C. area weather") is sent to a Searcher 240, (i.e., search engine Web

Crawler^{TM} or Lycos^{TM}) to search for related files on a target computer network (i.e.,

Internet) relating the subject word or phrase (col. 6, lines 40-46);

'**retrieving contents from a network based on the request and adapting the**

contents for transmission to a telephone' as a search is conducted and the Search

240 finds URLs of Web Pages relating to the subject or phrase, "Washington D.C. area

weather", the file addresses from the searcher are transformed into an audio menu so

that the user may select a single addresses (col. 6, lines 46-62).

As per claim 23, Wise teaches wherein the **feature comprises a keyword to be**

searched as the subject word or phrase (i.e., "Washington D.C. area weather") is sent

to a Searcher 240, (i.e., search engine Web Crawler^{TM} or Lycos^{TM}) to search for related

files on a target computer network (i.e., Internet) relating the subject word or phrase

(col. 6, lines 40-46)

As per claim 24, Wise teaches wherein the adapting further comprises:

translating text in the contents into audio speech as an image file has an HTML,

which contains text, the system read the text file and use a text-to-speech engine to

convert the document to audio information (col. 2, lines 15-18, col. 8, lines 14-18).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Wise et al (US Patent 5,884,262), as applied to claim 1 above, and further in view of

Jimenez et al (US Patent Application No. 2002/0006124 A1).

As per claim 6, Wise discloses converting standard document format, such as

electronic mail (E-mail), for use in an audio interface, locally or over a telephony

network. Wise does not explicitly teach a quality of service daemon to receive quality of

service requesting information from the client. However, Jimenez teaches **a quality of**

service daemon to receive quality of service requesting information from the

client' as a Quality of Service (QoS) telephony packet protocol endpoint to a call over

the public switched telephone network (PSTN) to translating the signal into user-desired

commands and carrying out desired actions of the user (par. 0005). Thus, it would have

been obvious to one of ordinary skill in the art at the time the invention was made to

combine the teachings of the cited references to provide a quality of service daemon to

receive quality of service requesting information from the client as disclosed by Jimenez

because it would enable users of Wise's system to access and navigate from a wireless

or wireline telephone for retrieving audio application attachments to e-mails and Web

content, and for forwarding audio content to e-mail addresses and other web telephone

subscribers, as suggested by Jimenez (see parg. 0002).

As per claim 7, Wise does not explicitly teach wherein the quality of service

daemon is further to adjust quality of service parameters of the client device according

to network conditions and then to send the adjusted quality of service parameters to the

client device. However, Jimenez teaches **wherein the quality of service daemon is**

further to adjust quality of service parameters of the client device according to

network conditions and then to send the adjusted quality of service parameters to

the client device' as the availability of the network service such as the PSTN, can be

configured to route traffic to a multiplicity of telephony gateways should a gateway not

respond or has reached capacity (see parg. 0006, first 13-16, parg. 0005, last 3 lines).

Thus, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine the teachings of the cited references to adjust quality of

service parameters of the client device according to network conditions and then to

send the adjusted quality of service parameters to the client device as disclosed by

Jimenez because it would provide loaded-balanced between network providers (i.e.,

telecommunication carriers) to prevent network failover in order to provide a desired

service to a subscriber (i.e., avoiding data loss while transmitting audio information to

the user), as suggested by Jimenez (see parg. 0004, last 2 lines and parg. 0006, first 2

lines and last 2 lines).

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable Wise et al

(US Patent 5,884,262), as applied to claim 12 above, and further in view of Aarnio et al

(US Patent 6,801,793 B1).

As per claim 14, Wise discloses accessing information from a computer network

via a telephone, PDA equipped with an audio input/output or other portable device, or

other audio device (col. 1, lines 7-9). Wise further discloses the Search 240 finds URLs

of Web Pages relating to the subject or phrase, "Washington D.C. area weather", the file

addresses from the searcher are transformed into an audio menu so that the user may

select a single addresses (col. 6, lines 46-62). Wise does not explicitly teach adapting

the contents to a screen size of the client. However, Aarnio teaches **adapting the**

contents to a screen size of the client' as depending upon the capability of a device's

display, outputting to a user the maximum amount of received messages (col. 2, lines 5-

15, 33-35). Thus, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to combine the teachings of the cited references to provide

an adapting the contents to a screen size of the client as disclosed by Aarnio because it

would provide user's display device of Wise's system the ability to present the entire

content of incoming messages and output the maximum amount a received messages

on their screen, for example, the entire content message can be seen at one time on

the display, as suggested by Aarnio (see col. 1, lines 31-47).

Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Wise et al (US Patent 5,884,262), as applied to claim 12 above, and further in view of

Balog et al (US Patent Application 2002/0022453 A1).

As per claims 15-16, Wise does not explicitly teach wherein the adapting further

comprises adapting the contents to a screen resolution, a color depth of the client.

However, Balog teaches **adapting the contents to a screen resolution, a color**

depth of the client' as screen resolution, screen color depth (par. 0030). Thus, it

would have been obvious to one of ordinary skill in the art at the time the invention was

made to combine the teachings of the cited references to implement the step of

adapting the contents to a screen resolution, a color depth of the client as taught by

Balog because each device would have its own characteristics, therefore, the service

provider 12 adopts a protocol that is substantially best suited for the delivery of the

content to the client's device (i.e., a user has a plurality of devices, the user may define

a list of preferred devices and create a mapping of the type of content that each of the

device can render, Balog, parg. 0031, lines 1-4) in order to optimize for successful

content delivery based on user's preferences.

Response to Arguments

Applicant's arguments with respect to amended claims 1, 3, 12 and 22 have been

considered but are moot in view of the new ground(s) of rejection.

Wise (US Patent 5,884,262) is a newly cited reference, relied upon to reject the

new amended claims. Wise (US Patent 5,884,262), Jimenez et al (US Patent

Application No. 2002/0006124 A1), Aarnio et al (US Patent 6,801,793 B1), and Balog et

al (US Patent Application 2002/0022453 A1) references teach every limitations of the

claims and motivations to combine references have been provided in the above

rejection. Claims 1-24 are therefore rejected.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37
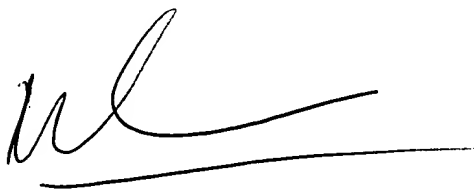
CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

The prior art made of record, listed on form PTO-892, and not relied upon, if any,

is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to DEBBIE M. LE whose telephone number is (571) 272-

4111. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, JEFFREY GAFFIN can be reached on (571) 272-4146. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

DEBBIE M LE
Examiner
Art Unit 2168

Debbie Le

Nov. 27, 2005.